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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/262,852 03/05/99 YAMADA

M 862.2722

005514 WM01/0920  
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NEW YORK NY 10112

EXAMINER

OPSASNICK, M

ART UNIT

PAPER NUMBER

2645

DATE MAILED:

09/20/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/262,852

Applicant(s)  
Yamada

Examiner  
Michael N. Opsasnick

Art Unit  
2645



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Mar 5, 1999

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-19 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☒ Claim(s) 4-8, 12-16, 18, and 19 is/are allowed.

6) ☒ Claim(s) 1, 3, 9, 11, and 17 is/are rejected.

7) ☒ Claim(s) 2 and 10 is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5

20) ☐ Other:

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### **DETAILED ACTION**

#### ***Allowable Subject Matter***

1. Claims 2 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. Claims 4,5,6-8,12-16,18, and 19 are allowed over the prior art of record.
3. The following is a statement of reasons for the indication of allowable subject matter:  
  
As per claims 2,4,6,12,14,18, and 19, the recited claim limitations pertaining to the calculation of inter-pitch mark distances is not explicitly taught by the prior art of record.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1,3,9,11, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kagoshima et al (5890118).

As per claim 1,9, and 17, Kagoshima et al (5890118) teaches a speech synthesis apparatus/program code using pitch marks comprising (col. 3 lines 22-42) first calculation means for calculating a distance between first two pitch marks of a voice portion of speech data to be processed (col. 6 lines 61-67) and second calculation means for calculating a difference between adjacent inter pitch mark distances (col. 7 lines 1-13) and management means for storing the calculation results obtained by said first and second calculation means in a file and managing the results (as storing the adjusted waveforms that contain the pitch information -- col. 11 line 65 to col. 12 line 9)

As per claims 3 and 11, Kagoshima et al (5890118) teaches storage of the pitch marks (m0- mk) with the waveform trains.

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*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vogten et al (5479564)

Kang et al (6125344)

Sharman (5682501)

Lim et al (5630011)

Suzuki (6169240)

Kleijn (5884253)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Fan Tsang, can be reached at (703)305-4895. The facsimile phone number for this group is (703)308-6306.

Any inquiry of a general nature or relating to the status of this applications should be directed to the Group receptionist whose telephone number is (703)305-3900.

September 17, 2001  
mno

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

